

Partnerships in Transit
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Virginia Public-Private
Transportation Act

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Virginia Public-Private Transportation Act of 1995 (PPTA) **Virginia Code § 56-556, *et. seq.***

- The PPTA authorizes the Commonwealth, its local governments or other public agencies to enter into agreements allowing private entities to develop, design, construct, maintain and/or operate transportation facilities, if they determine that private involvement would provide the facilities in a timely and cost-effective manner.
- Permits private entities to submit unsolicited project proposals as well as proposals solicited by public entities.
- Submission and review of proposals is governed by PPTA Implementation Guidelines.



PPTA – Unsolicited Conceptual Proposals

- Two-phase submission/evaluation process – Conceptual Proposals and Detailed Proposals.
- Conceptual Proposal describes the proposed project and provides information regarding proposer qualifications and experience, project characteristics, project benefits and public support, project financing and project compatibility with state and local transportation and land use plans.
- To assure opportunity for full and open competition, receiving agency must publish notice of receipt of any unsolicited Conceptual Proposal, after which other private entities have opportunity to submit competing conceptual proposals for the agency's consideration.
- Receiving agency forwards all Conceptual Proposals received to Initial Review Committee, which performs preliminary qualifications review of each Conceptual Proposal to determine whether the proposal is complete, whether the proposer is qualified, and whether the proposal presents a project that appears technically and financially feasible.
- One or more proposals receiving a positive initial determination is recommended to CTB for review and approval or rejection.



PPTA – Detailed Proposals

- Following CTB approval of a Conceptual Proposal, a Detailed Proposal is solicited and, when received, forwarded to an Advisory Panel for further review and evaluation to determine whether the project would promote transportation goals and the public interest.
- Advisory Panel evaluates proposal under specific selection criteria, and makes recommendation to DRPT or VDOT whether proposed project satisfies the PPTA goals of timely and cost-effective delivery of transportation facilities.
- Agency head considers recommendation of Advisory Panel and makes final determination regarding proposal.
- If Detailed Proposal is approved, agency and private proposer enter into negotiation of a comprehensive agreement for implementation of the project.



PPTA – Comprehensive Agreements

- At a minimum, Comprehensive Agreement outlines the rights and obligations of the parties, sets a maximum return or rate of return to the private entity, allocates risk and liabilities, and establishes dates for termination of the private entity's authority and dedication of the facility to the Commonwealth.
- Prior to, or in connection with negotiation of Comprehensive Agreement, the Commonwealth may enter into interim agreement with private entity proposing the project, which may include:
 - Authorization to private entity to commence activities for which it may be compensated, including project planning and development, advance right of way acquisition, design and engineering, environmental analysis and mitigation, survey, conducting transportation and revenue studies, and ascertaining availability of financing for proposed facility;
 - Establishing process and timing of negotiation of Comprehensive Agreement;
 - Any other provision deemed appropriate by the parties.

